

U.S. Department of Labor

Office of Administrative Law Judges
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Issue date: 19Jul2001

Case No. 2000-DBA-15

In the Matter of:

Disputes concerning the payment of
prevailing wage rates and
misclassifications by:

TLT CONSTRUCTION CORPORATION
Prime Contractor

With respect to laborers and mechanics
employed by its subcontractor:

PEGASUS BUILDING CORPORATION
Subcontractor,
Respondents

With respect to laborers and mechanics
employed by the contractor on project
Number N62472-89-C-0012 for the U.S.
Department of the Navy

DECISION AND ORDER
APPROVING CONSENT FINDINGS

This proceeding arises from an Order of Reference filed on July 31, 2000, by the Regional Administrator of the Wage and Hour Division, under the Davis-Bacon Act, 40 U.S.C. 276a, *et seq*; the Contract Work Hours and Safety Standards Act, 40 U.S.C. §§ 327, *et seq.*; and the applicable regulations at 29 C.F.R. Part 5.

Settlement terms were reached by the parties and subsequently, on June 7, 2001, the parties submitted duly executed Consent Findings for approval by the undersigned, which are attached hereto and made a part hereof. I have reviewed the agreement of the parties and I enter the following findings:

1. The agreement appears to be fair and reasonable on its

face and it further appears that it effectuates the purposes and policies of the statute under which it arises;

2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits;
3. The entire record on which this Decision and Order is based consists solely of the Order of Reference and the Consent Findings between the parties;
4. The parties are hereby deemed to waive any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Agreement; and,
5. The Respondent, TLT Construction Corporation, shall pay \$4,500.00 in settlement of all wage claims made by the Secretary on behalf of employees who worked on Project Number N62472-89-C-0012. The employees and wage amounts are set forth in Exhibit 1, attached hereto. Payment shall be made from amounts presently withheld by the contracting agencies, and the Respondents hereby authorize said agency or agencies to release the above sum to the Regional Administrator. The Regional Administrator shall distribute the back wages to the employees listed above or their estates, if necessary, and any sum which within three years from the date of this agreement have not been distributed to the employees, or their personal representatives, because of the inability to locate the proper persons or because of such person's refusal to accept such sum, shall be deposited with the Treasurer of the United States.
6. The Secretary of Labor agrees that the balance of the \$19,259.50 withheld shall be released for payment in accordance with the terms of the contract.
7. This settlement is entered into for purposes of compromising a disputed claim and without admission of liability.
8. This settlement is intended by the Secretary and the Respondents to be a final resolution of this matter as to the Secretary.

9. Respondents hereby agree not to seek from the Secretary any fees or expenses incurred by them in connection with any stage of this proceeding and the Secretary agrees not to seek from the Respondents any fees or expenses incurred by the Secretary in connection with any state of this proceeding. However, this settlement is without prejudice to any rights or claims as may exist by and between Respondent TLT Construction Corporation and Respondent Pegasus Building Corporation and any actions arising from the payment made by the TLT Construction Corporation in settlement of this wage claim.
10. No debarment shall issue against Respondent TLT Construction Corporation arising from the claims alleged in this matter.

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DANIEL J. ROKETENETZ
Administrative Law Judge